

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

AGUSTIN PULIDO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-14-843-D
	)	
PAYNE COUNTY JAIL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin pursuant to 28 U.S.C. § 636(b)(1). Judge Goodwin finds that Plaintiff has failed to comply with prior orders and failed to prosecute the case, and recommends that the action be dismissed without prejudice.

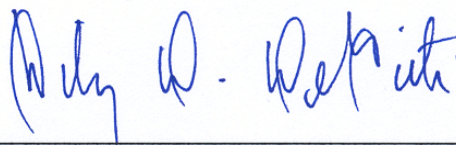
Plaintiff, who appears *pro se* and *in forma pauperis*, has not filed a timely objection to the Report or requested additional time to object, although he was expressly advised of the right to object, the deadline for an objection, and the consequences of failing to object. Although mail from the Clerk to Plaintiff has previously been returned as undeliverable, the Court finds this fact provides no basis for an exception to the court of appeals' "firm waiver rule" because Plaintiff is responsible for giving notice of any change of address. *See Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1267-68 (10th Cir. 1999) (*pro se* plaintiff who failed to provide any change of address or address correction waived right to review by failing to make a timely objection). Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d

656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

In addition, upon consideration of the issues, the Court agrees with Judge Goodwin's analysis. This case remains at an early stage; Plaintiff has not completed the necessary papers to effect service of process. In light of Plaintiff's failure to comply with the Order of November 13, 2014, directing him to file written notice of a change of address as required by LCvR5.4(a), the issuance of any further orders in the case would be futile. Therefore, the Court concurs in Judge Goodwin's recommendation for dismissal without prejudice pursuant to Fed. R. Civ. P. 41(b).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 15] is adopted. This action is dismissed without prejudice. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 30<sup>th</sup> day of December, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE